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HYUNDAI AMERICA TECHNICAL CENTER, INC.

A Subsidiary of
Hyundai Motor Company (Korea)

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March 11, 2004

NHTSA-04-17440-1

Dr. Jeffrey W. Runge
Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

RE: Petition for a Determination of Inconsequential Noncompliance with Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; and Section 5.5.5 of Federal Motor Vehicle Safety Standard No. 135

Dear Dr. Runge:

Pursuant to Part 556 of Title 49 of the Code of Federal Regulations, Hyundai Motor Company is requesting exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act, Title 49, Subtitle VI, Part A, Chapter 301, Subchapter II, Sec. 30118 (notification of defects and noncompliance) and Sec. 30120 (remedies for defects and noncompliance) for failure to comply with Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; and Section 5.5.5 of Federal Motor Vehicle Safety Standard No. 135.

Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; hydraulic and electric brake systems, requires that each indicator lamp shall display word, words or abbreviation, in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and/or this section, which shall have letters not less than 1/8-inch high and be legible to the driver in daylight when lighted. Words in addition to those required by Standard No. 101 and/or this section and symbols may be provided for purposes of clarity.

Section 5.5.5, *Labeling*, of Federal Motor Vehicle Safety Standard No. 135; passenger car brake systems, requires that each visual indicator shall display a word or words in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and this section, which shall be legible to the driver under all daytime and nighttime conditions when activated. Unless otherwise specified, the words shall have letters not less than 3.2 mm (1/8 inch) high and the letters and background shall be of contrasting colors, one of which is red. Words or symbols in addition to those required by Standard No. 101 and this section may be provided for purposes of clarity.

Erroneous interpretation of these regulations led to the adoption of some lettering heights that do not meet the standard.

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Approximately 237,994 Hyundai vehicles produced by Hyundai Motor Company and distributed within the United States by Hyundai Motor America are affected, consisting of:

Model	Model Years	Quantity	Beginning Production Date	Ending Production Date	FMVSS	Lettering and Size	Overall Indicator Height
Accent	1998 - 99	3	11/19/1997	8/31/1999	105	ABS 3.1 mm	3.1 mm
Accent	2000 - 04	133	9/1/1999	1/5/2004	135	ABS 2.9 mm	7.8 mm
Elantra	1998 - 00	2,548	4/1/1998	7/5/2000	105	ABS 2.7 mm	8.0 mm
Elantra	2001 - 03	16,991	7/6/2000	6/16/2003	135	ABS 3.0 mm	7.5 mm
Elantra	2004	1,347	6/14/2003	1/27/2004	135	ABS 3.0 mm	8.0 mm
Tiburon	2002 - 04	13,974	10/16/2001	12/7/2003	135	ABS 2.5 mm	7.0 mm
Sonata	1999 - 01	6,032	7/23/1998	6/6/2001	105*	ABS 3.0 mm	6.6 mm
Sonata	2002 - 04	29,875	6/7/2001	2/2/2004	135	ABS 3.0 mm	7.9 mm
XG	2001 - 03	46,861	7/12/2000	2/23/2003	135	ABS 2.5 mm	5.9 mm
XG	2004	17,212	2/24/2003	1/12/2004	135	ABS 2.5 mm	6.5 mm
Santa Fe	2001 - 04	7,694	1/1/2001	12/13/2003	135	ABS 3.1 mm	7.2 mm
Accent	1998 - 99	48,921	11/19/1997	8/31/1999	105	BRAKE 2.9 mm	7.2 mm
Tiburon	1998 - 01	46,406	4/6/1998	10/15/2001	105**	BRAKE 3.1 mm	8.0 mm

* FMVSS 135 for Model Year 2001 Sonata

** FMVSS 135 for Model Year 2001 Tiburon

As shown in the table above, on the affected vehicles, the letters ABS contained in the visual indicator on the instrument panel are slightly less than 3.2 mm (1/8 inch) in height and on the affected vehicles, the letters BRAKE contained in the visual indicator on the instrument panel are slightly less than 3.2 mm (1/8 inch) in height.

The ABS brake system ISO symbol and the ABS lettering are part of the same ABS warning indicator; both are simultaneously illuminated in yellow by the same light source. Both identifications illuminate simultaneously during the instrument cluster warning lamp operation check, and if an ABS brake system malfunction occurs. Although the ABS lettering that appears within the ISO symbol is slightly smaller than 3.2 mm in height, the overall height of the ABS warning lamp word/symbol combination significantly exceeds the standard on each of the affected models.

On the two models where the BRAKE lettering is slightly smaller than 3.2 mm in height, the brake system ISO symbol and the parking brake ISO symbol are part of the same brake warning indicator. Both the lettering and symbol identifications illuminate simultaneously in red during the instrument cluster warning lamp operation check, every time the parking brake is applied, and if a brake system malfunction occurs. Although the BRAKE lettering that appears below the ISO symbols is slightly smaller than 3.2 mm in height, the overall height of the BRAKE warning lamp word and symbols combination exceeds the standard.

The slightly smaller than specified BRAKE and ABS lettering on the telltale indicators on the affected vehicles is a "technical" noncompliance, however, Hyundai Motor Company believes that this technical noncompliance is inconsequential as it relates to motor vehicle safety for the following reasons:

1. The visual indicators in the subject Hyundai vehicles are visible to the driver under all driving conditions. As such, the visual indicators meet the requirements of S5.3.4 (a) of Federal Motor Vehicle Safety Standard No. 101, "Controls and Displays."

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2. Unlike Federal Motor Vehicle Safety Standards No. 105 and 135, other Federal motor vehicle safety standards, such as FMVSS No. 108 "Lamps, reflective devices and associated equipment", FMVSS No. 121 "Air brake systems," and FMVSS No. 208 "Occupant Crash Protection", require visual indicators or telltales that do not have specific height dimensions for the display. The requirement in these standards is that the indicator or telltale be clearly visible, recognizable, or discernible, or that the telltale is an indicator to the driver. The visual indicators in the subject Hyundai vehicles are in full compliance with these requirements. As such, the small reduction of the lettering height in the subject vehicles is inconsequential to safety.
3. On September 23, 2003, NHTSA issued a Notice of Proposed Rulemaking to update and expand FMVSS No. 101. In this NPRM, NHTSA proposes a new definition of "telltale", as well as specific requirements for such telltales. The subject Hyundai vehicles have visual indicators (telltales) that are in full compliance with these proposed requirements. Specifically, the telltale must be visible to the driver under certain conditions, must have certain illumination characteristics, must have certain color characteristics, and must be located in a specific place. The visual indicators in the subject Hyundai vehicles meet all these requirements.
4. The owner's manuals for each model contain graphic depictions of the indicators, both lettering and ISO symbols, as they appear in the vehicles with descriptions of their operation.
5. Hyundai is not aware of any consumer complaints, crashes, or injuries associated with the size or visibility of the affected visual indicators in the subject vehicles.

The measure of inconsequentiality is whether there is any effect of the noncompliance on operational safety. Given that there is a lack of any consumer complaints, crashes or injuries associated with this technical noncompliance, coupled with the fact that the visual indicators meet the basic requirement of current Federal motor vehicle safety standards, i.e., that the visual indicator or telltale be clearly visible, recognizable, or discernible, or that the telltale is an indicator to the driver, and the fact that the visual indicators in the subject Hyundai vehicles meet the proposed requirements in NHTSA's September 23, 2003 NPRM, the subject noncompliance is inconsequential as it relates to motor vehicle safety.

Hyundai Motor Company requests that NHTSA consider this petition and grant an exemption from the recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance described above is inconsequential as it relates to motor vehicle safety.

Sincerely,



Robert Babcock
Manager, Corporate Affairs

Attachments: Part 573 Noncompliance Information Report
Twelve Instrument Cluster Drawings

*Debbie Parker***RICA TECHNICAL CENTER, INC.**A Subsidiary of
Hyundai Motor Company (Korea)RECEIVED
NVS. 15Tel: (734) 747-6600
Fax: (734) 747-6699*From: Patu*

March 11, 2004

2004 MAR 16 P 4: 19

OFFICE
DEFECTS INVESTIGATION*petition*

Mr. Kenneth Weinstein
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

RE: Noncompliance Information Report

Dear Mr. Weinstein:

Pursuant to Part 573 of Title 49 of the Code of Federal Regulations, Hyundai Motor Company is voluntarily submitting information concerning a noncompliance. Specific information as required by Section 573.6 is as follows:

573.6(c)(1)

Manufacturer - Hyundai Motor Company

Distributor - Hyundai Motor America

573.6(c)(2)

All model year 1998 and 1999 Hyundai Accent vehicles produced beginning November 19, 1997 through August 31, 1999.

Model year 2000, 2001, 2002, 2003 and 2004 Hyundai Accent vehicles equipped with antilock brakes (ABS) that were produced beginning September 1, 1999 through January 5, 2004.

Model year 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Hyundai Elantra vehicles equipped with ABS that were produced beginning April 1, 1998 through January 27, 2004.

All model year 1998, 1999, 2000, and 2001 Hyundai Tiburon vehicles produced beginning April 6, 1998 through October 15, 2001.

Model year 2002, 2003 and 2004 Hyundai Tiburon vehicles equipped with ABS that were produced beginning October 16, 2001 through December 7, 2003.

Model year 1999, 2000, 2001, 2002, 2003 and 2004 Hyundai Sonata vehicles equipped with ABS that were produced beginning July 23, 1998 through February 2, 2004.

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All model year 2001, 2002, 2003 and 2004 Hyundai XG vehicles produced beginning July 12, 2000 through January 12, 2004. (All of the XG vehicles were equipped with ABS.)

Model year 2001, 2002, 2003 and 2004 Hyundai Santa Fe vehicles equipped with ABS that were produced beginning January 1, 2001 through December 13, 2003.

573.6(c)(3)

Approximately 237,994 vehicles are affected, consisting of:

Approximately 48,921 model year 1998 and 1999 Hyundai Accent vehicles produced beginning November 19, 1997 through August 31, 1999.

Approximately 133 model year 2000, 2001, 2002, 2003 and 2004 Hyundai Accent vehicles equipped with antilock brakes (ABS) that were produced beginning September 1, 1999 through January 5, 2004.

Approximately 20,886 model year 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Hyundai Elantra vehicles equipped with ABS that were produced beginning April 1, 1998 through January 27, 2004.

Approximately 46,406 model year 1998, 1999, 2000, and 2001 Hyundai Tiburon vehicles produced beginning April 6, 1998 through October 15, 2001.

Approximately 13,974 model year 2002, 2003 and 2004 Hyundai Tiburon vehicles equipped with ABS that were produced beginning October 16, 2001 through December 7, 2003.

Approximately 35,907 model year 1999, 2000, 2001, 2002, 2003 and 2004 Hyundai Sonata vehicles equipped with ABS that were produced beginning July 23, 1998 through February 2, 2004.

Approximately 64,073 model year 2001, 2002, 2003 and 2004 Hyundai XG vehicles produced beginning July 12, 2000 through January 12, 2004.

Approximately 7,694 model year 2001, 2002, 2003 and 2004 Hyundai Santa Fe vehicles equipped with ABS that were produced beginning January 1, 2001 through December 13, 2003.

573.6(c)(4)

100% of the vehicles identified in 573.6(c)(2) are affected.

573.6(c)(5)

Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; hydraulic and electric brake systems, requires that each indicator lamp shall display word, words or abbreviation, in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and/or this section, which shall have letters not less than 1/8-inch high and be legible to the driver in daylight when lighted. Words in addition to those required by Standard No. 101 and/or this section and symbols may be provided for purposes of clarity.

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Section 5.5.5, *Labeling*, of Federal Motor Vehicle Safety Standard No. 135; passenger car brake systems, requires that each visual indicator shall display a word or words in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and this section, which shall be legible to the driver under all daytime and nighttime conditions when activated. Unless otherwise specified, the words shall have letters not less than 3.2 mm (1/8 inch) high and the letters and background shall be of contrasting colors, one of which is red. Words or symbols in addition to those required by Standard No. 101 and this section may be provided for purposes of clarity.

For the vehicles equipped with ABS as identified in 573.6(c)(2) and 573.6(c)(3), the letters ABS contained in the visual indicator on the instrument panel are less than 3.2 mm (1/8 inch) in height, as follows:

Model	Model Years	Quantity	Beginning Production Date	Ending Production Date	FMVSS	Lettering and Size
Accent	1998 - 99	3	11/19/1997	8/31/1999	105	ABS 3.1 mm
Accent	2000 - 04	133	9/1/1999	1/5/2004	135	ABS 2.9 mm
Elantra	1998 - 00	2,548	4/1/1998	7/5/2000	105	ABS 2.7 mm
Elantra	2001 - 03	16,991	7/6/2000	6/13/2003	135	ABS 3.0 mm
Elantra	2004	1,347	6/14/2003	1/27/2004	135	ABS 3.0 mm
Tiburon	2002 - 04	13,974	10/16/2001	12/7/2003	135	ABS 2.5 mm
Sonata	1999 - 01	6,032	7/23/1998	6/6/2001	105*	ABS 3.0 mm
Sonata	2002 - 04	29,875	6/7/2001	2/2/2004	135	ABS 3.0 mm
XG	2001 - 03	46,861	7/12/2000	2/23/2003	135	ABS 2.5 mm
XG	2004	17,212	2/24/2003	1/12/2004	135	ABS 2.5 mm
Santa Fe	2001 - 04	7,694	1/1/2001	12/13/2003	135	ABS 3.1 mm

* FMVSS 135 for Model Year 2001 Sonata

For the other vehicles identified in 573.6(c)(2) and 573.6(c)(3), the letters BRAKE contained in the visual indicator on the instrument panel are less than 3.2 mm (1/8 inch) in height, as follows:

Model	Model Years	Quantity	Beginning Production Date	Ending Production Date	FMVSS	Lettering and Size
Accent	1998 - 99	48,921	11/19/1997	8/31/1999	105	BRAKE 2.9 mm
Tiburon	1998 - 01	46,406	4/6/1998	10/15/2001	105*	BRAKE 3.1 mm

* FMVSS 135 for Model Year 2001 Tiburon

573.5(c)(7)

Hyundai Motor Company first became aware of this condition during a regulatory compliance review of the XG model. After noting that the ABS lettering did not seem to meet the height requirements of FMVSS 135, a review of other models was undertaken. Drawings related to all U.S. specification Hyundai models were reviewed. Afterwards, changes were instituted by the supplier to revise the drawing specifications to increase the ABS and BRAKE lettering heights to at least 3.2 mm in all instances. The vendor also instituted changes in production as soon as possible.

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Upon completion of the review and evaluation of the results and the incorporation of changes by the vendor, Hyundai Motor Company has decided that the height of the ABS or BRAKE lettering on the affected models does not meet the height specified in the standards. Hyundai is not aware of any accidents or injuries that have occurred as a result of this condition.

573.6(c)(8)

Hyundai Motor Company intends to file a petition for an exemption from the recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance with Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; and Section 5.5.5 *Labeling* of Federal Motor Vehicle Safety Standard No. 135 described above in 573.6(c)(5) is inconsequential as it relates to motor vehicle safety.

573.6(c)(9)

No notices, bulletins, or any other communications that relate to the noncompliance have been sent to dealers or purchasers.

573.6(c)(10)

Hyundai Motor Company intends to file a petition for an exemption from the recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance with Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; and Section 5.5.5, *Labeling*, of Federal Motor Vehicle Safety Standard No. 135 described above in 573.6(c)(5) is inconsequential as it relates to motor vehicle safety. Hyundai Motor Company does not believe that it is necessary or appropriate to conduct a campaign to remedy this noncompliance.

573.6(c)(11)

Hyundai Motor Company intends to file a petition for an exemption from the recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance with Section 5.3.5 (a) of Federal Motor Vehicle Safety Standard No. 105; and Section 5.5.5, *Labeling*, of Federal Motor Vehicle Safety Standard No. 135 is inconsequential as it relates to motor vehicle safety. Therefore, Hyundai Motor Company does not believe that it is appropriate to conduct a recall campaign related to this noncompliance.

Sincerely,



Robert Babcock
Manager, Corporate Affairs